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| APPLICATION NO.         | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 10/743,454              | 12/23/2003  | Ji Myong Lee         | 021906-0307405      | 9617             |
| 909                     | 7590        | 08/25/2004           | EXAMINER            |                  |
| PILLSBURY WINTHROP, LLP |             |                      | ESTRADA, MICHELLE   |                  |
| P.O. BOX 10500          |             |                      | ART UNIT            |                  |
| MCLEAN, VA 22102        |             |                      | PAPER NUMBER        |                  |
|                         |             |                      | 2823                |                  |

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/743,454

**Applicant(s)**

LEE, JI MYONG

**Examiner**

Michelle Estrada

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang et al. (6,395,635).

With respect to claim 1, Wang et al. disclose depositing an insulator layer (26) on the semiconductor wafer (14); performing a first polishing process on a surface of the insulator layer deposited on the semiconductor wafer (14) while supplying slurry to the surface of the insulator (Col. 6, line 58); and performing a second polishing process on the surface of the insulator layer while supplying water to the surface of the insulator layer (Col. 6, line 59). The Examiner clarifies that Wang et al. disclose a polishing process with water prior to the polishing process with slurry; however, the Examiner sees this as a cleaning step before performing the polishing process with slurry because cleaning of wafers must be done after each processing step in the fabrication sequence. Note that the cleaning process should be used at each point in order to avoid operator error.

With respect to claim 2, Wang et al. disclose wherein the insulator layer is an inter metal dielectric (IMD) layer (Col. 6, lines 55-56).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. as applied to claims 1 and 2 above, and further in view of Wang et al. (2003/0003745).

With respect to claim 3, Wang et al. do not disclose wherein the IMD is made of TEOS.

Wang et al. ('745) disclose depositing an insulator (IMD) (18) on a semiconductor wafer; wherein wherein the IMD is made of TEOS (Page 2, Paragraph [0016]); and planarizing the IMD with chemical mechanical polishing (CMP).

It would have been within the scope of one of ordinary skill in the art to combine the teachings of Wang et al. ('635) and Wang et al. ('745) to enable the IMD material of Wang et al. ('635) to be the IMD material according to the teachings of Wang et al. ('745) because one of ordinary skill in the art would have been motivated to look to alternative suitable methods of choosing the disclosed IMD material of Wang et al. ('635) and art recognized suitability for an intended purpose has been recognized to be motivation to combine. See MPEP 2144.07. Furthermore, the IMD reduces the interconnection parasitic capacitance, consequently reducing the RC delay, or mitigating the cross talk between metal lines, hence the operation speed is improved.

With respect to claim 4, one of ordinary skill in the art would have been led to the recited % of thickness removed by the first polishing step and the remainder removed in the second polishing step to routine experimentation to achieve a desired rate of polishing and desired quantity of thickness to be removed. Also, the % of thickness removed will depend on the polishing time and the amount of slurry supplied to the insulator layer, which are result effective variables, therefore the % of thickness removed is a result effective variable too. See MPEP 2144.05.

Furthermore, it is obvious to one of ordinary skill in the art that the first polishing step will remove a greater percentage of thickness because it contains slurry with abrasives that obviously will remove a greater amount of thickness than water.

In addition, the selection of % of thickness removed by the first polishing step and the remainder removed in the second polishing step, it's obvious because it is a matter of determining optimum process conditions by routine experimentation with a limited number of species of result effective variables. These claims are prima facie obvious without showing that the claimed ranges achieve unexpected results relative to the prior art range. In re Woodruff, 16 USPQ2d 1935, 1937 (Fed. Cir. 1990). See also In re Huang, 40 USPQ2d 1685, 1688 (Fed. Cir. 1996)(claimed ranges or a result effective variable, which do not overlap the prior art ranges, are unpatentable unless they produce a new and unexpected result which is different in kind and not merely in degree from the results of the prior art). See also In re Boesch, 205 USPQ 215 (CCPA) (discovery of optimum value of result effective variable in known process is ordinarily within skill or art) and In re Aller, 105 USPQ 233 (CCPA 1995) (selection of optimum

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ranges within prior art general conditions is obvious).

Note that the specification contains no disclosure of either the critical nature of the claimed % of thickness removed by the first polishing step and the remainder removed in the second polishing step or any unexpected results arising there from. Where patentability is said to be based upon particular chosen % of thickness removed by the first polishing step and the remainder removed in the second polishing step or upon another variable recited in a claim, the Applicant must show that the chosen % of thickness removed by the first polishing step and the remainder removed in the second polishing step are critical. *In re Woodruf*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Estrada whose telephone number is 571-272-1858. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 571-272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

A handwritten signature in black ink, appearing to read "Michelle Estrada", with a stylized flourish at the end.

Michelle Estrada  
Examiner  
Art Unit 2823

ME  
August 23, 2004